UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,323	07/30/2001	James S. Katz	Rachis/A	4468

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LUCASH, GESMER & UPDEGROVE, LLP
40 BROAD ST
SUITE 300
BOSTON, MA 02109

EXAMINER
ABDI, KAMBIZ

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.		Applicant(s)
Office Action Summary	09/918,323		KATZ ET AL.
	Examiner		**Art Unit**
	Kambiz Abdi		3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>03 July 2001</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-18</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-18</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>5 & 6</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-18 have been examined.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

1.   Claims 13, 14, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3.   In dependent claim 13, the "a home network standard..." phrase makes the claim indefinite and unclear in that neither means nor interrelationship of means are set forth to distinguish what standards are is claimed. Additionally, claims 14 and 18 contains the phrases "American National Standards Institute (ANSI)" and utilizing a standard" makes the claims indefinite and unclear in that neither means nor interrelationship of means are set forth in the claim in order to achieve the desired results expressed in the phrases.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) The invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5.   Claims 1-12 and 15-16 are rejected under 35 U.S.C. 102 (e) being anticipated by U.S. Patent No. 6,023,585 to Stephen G. Perlman et al.

6.   As for claims 1, Perlamn clearly teaches a method of invoking retrieval of software or data from a

first source to a peripheral device capable of communicating with the first source, the method comprising:

        detecting a device event generated by the peripheral device (See Perlman Abstract, figure 6 and

its associated text, column 1, lines 55-68 and column 2, lines 1-9),

        transmitting to the first source, in response to detection of a device event, a request to obtain the

software or data from the first source (See Perlman Abstract, figure 6 and its associated text, column 1,

lines 55-68, column 2, lines 1-9, column 5, lines 25-68, and column 6, lines 1-65), and

        receiving the software or data from the first source, the software or data having been selected to

be appropriate for the peripheral device in response to the event generated by the peripheral device (See

Perlman Abstract, figure 6 and its associated text, column 1, lines 55-68, column 2, lines 1-9, column 5,

lines 25-68, and column 6, lines 45-56),

        wherein the steps of detecting, transmitting, and receiving are performed automatically when a

device event is detected, without intervention by the user of the peripheral device (See Perlman Abstract,

figure 6 and its associated text, column 1, lines 45-54, column 2, lines 1-9, column 5, lines 25-68, and

column 6, lines 1-65).

7.   As for claims 2, Perlman teaches all the limitations of claim 1, further; Perlman teaches,

        the peripheral device is in communication with a client system (See Perlman Abstract, figure 6

and its associated text, column 1, lines 55-68, column 2, lines 1-9, column 5, lines 25-68, and column 6,

lines 1-65), and

        the detecting, transmitting and receiving steps can be executed even when the client system

contains no device driver to support the peripheral device (See Perlman Abstract, figure 6 and its

associated text, column 1, lines 55-68, column 2, lines 1-9, and column 6, lines 34-65).

8.   As for claims 3, Perlman teaches all the limitations of claim 2, further; Perlman teaches,

the software or data from the first source includes a device driver appropriate for the peripheral device (See Perlman Abstract, figure 6 and its associated text, column 1, lines 55-68, column 2, lines 1-9, and column 6, lines 11-65).

9.   As for claims 4, Perlman teaches all the limitations of claim 2, further; Perlman teaches,

the request to obtain software or data includes a code identifying a device type of the peripheral device (See Perlman Abstract, figure 6 and its associated text, column 1, lines 55-68, column 2, lines 1-9, and column 6, lines 11-65).

10.   As for claims 5, Perlman teaches all the limitations of claim 2, further; Perlman teaches,

the first source is a local source on the client system (See Perlman Abstract, figure 6 and its associated text, column 1, lines 55-68, column 2, lines 1-9, column 5, lines 1-68, and column 6, lines 1-65).

11.   As for claims 6, Perlman teaches all the limitations of claim 2, further; Perlman teaches,

the first source is specified by an identifier designating an entry in a database on .a remote processor capable of communicating with the client system via a communications channel (See Perlman Abstract, figure 6 and its associated text, column 1, lines 55-68, column 2, lines 1-9, and column 5, lines 25-56), and

the request is transmitted to the remote processor via the communications channel (See Perlman Abstract, figure 6 and its associated text, column 1, lines 55-68, column 2, lines 1-9, and column 6, lines 10-25).

12.   As for claims 7, Perlman teaches all the limitations of claim 6, further; Perlman teaches,

the communications channel includes the Internet or World Wide Web (See Perlman Abstract, figure 6 and its associated text, column 1, lines 55-68, column 2, lines 1-9, column 2, lines 50-63, and column 3, lines 1-25).

13.   As for claims 8, Perlman teaches all the limitations of claim 2, further; Perlman teaches,

causing the obtained software to be installed on the client system without a user of the client

system manually installing the software (See Perlman Abstract, figure 6 and its associated text, column 1,

lines 55-68, column 2, lines 1-9, and column 1, lines 45-54).

14.   As for claims 9, Perlman teaches all the limitations of claim 2, further; Perlman teaches,

the event is generated upon user interaction with the peripheral device (See Perlman Abstract, figure

6 and its associated text, column 1, lines 55-68, column 2, lines 1-9, column 5, lines 51-65, and column 6,

lines 11-65).

15.   As for claims 10, Perlman teaches all the limitations of claim 9, further; Perlman teaches,

the event can include actuating a device START button See Perlman Abstract, figure 6 and its

associated text, column 1, lines 55-68, column 2, lines 1-9, and column 5, lines 24-50).

16.   As for claims 11, Perlman teaches all the limitations of claim 1, further; Perlman teaches,

transmitting a request for the software or data includes opening, in response to detection of a

device event, a communications channel with the first source, to enable access to any of libraries,

packaging or configuration data on the first source to establish a repository of device drivers and

supporting applications suitable for the peripheral device (See Perlman Abstract, figure 6 and its

associated text, column 1, lines 55-68, column 2, lines 1-9, column 5, lines 1-68, and column 6, lines 1-

68).

17.   As for claims 12, Perlman teaches all the limitations of claim 11, further; Perlman teaches,

receiving the software or data from the first source includes receiving a package containing any of

data, script files or software to augment a local database to enable handling of previously unsupported

devices (See Perlman Abstract, figure 6 and its associated text, column 1, lines 55-68, column 2, lines 1-

9, column 5, lines 1-68, and column 6, lines 1-68).

18.   As for claims 15, Perlman teaches all the limitations of claim 2, further; Perlman teaches,

the step of responding to peripheral devices is defined by a package resident on the client

system, or on the first source (See Perlman Abstract, figure 6 and its associated text, column 1, lines 55-

68, column 2, lines 1-9, and column 6, lines 10-65).

19.   As for claims 16, Perlman teaches all the limitations of claim 15, further; Perlman teaches,

the package can be resident in the client system or obtained from the first source after detection

of the device event (See Perlman Abstract, figure 6 and its associated text, column 1, lines 55-68, column

2, lines 1-9, and column 6, lines 10-65).

20.   Examiner has pointed out particular references contained in the prior arts of record in the body of

this action for the convenience of the applicant. Although the specified citations are representative of the

teachings in the art and are applied to the specific limitations within the individual claim, other passages

and figures may apply as well. It is respectfully requested from the applicant, in preparing the response,

to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as

the context of the passage as taught by the prior arts or disclosed by the examiner.

Claim Rejections - 35 USC § 103

21.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

22.   Claims 13-14 and 17-18 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 6,023,585 to Stephen G. Perlman et al.

23.   As for claims 13, Perlman teaches all the limitations of claim 1, further;

What Perlman is not specific is the responding to events originating on a home network operating in accordance with a home network standard. The examiner takes Official Notice that employing network standards in a communication network is well established and well known. Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to insure the interoperability of the systems communicating with each other as well as they would be able to have more efficient transfer of information.

24.   As for claims 14, Perlman teaches all the limitations of claim 13, further;

What Perlman is not specific is the home network standard is the American National Standards Institute (ANSI) home network standard. The examiner takes Official Notice that employing network standards in a communication network is well established and well known. Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to insure the interoperability of the systems communicating with each other as well as they would be able to have more efficient transfer of information.

25.   As for claims 17, Perlman teaches all the limitations of claim 2, further;

What Perlman is not specific is navigating to a default web page when no software can be obtained from the first source to support the device. The examiner takes Official Notice that using a web site to locate the appropriate driver for a device connected to a system is well established and well known. For example MicroSoft operating systems such as NT or XP, upon detecting a new device and not having an appropriate driver will direct you to a web page to further investigate the appropriate driver. Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to add the ease of directing the user to a web site, which can help expedite the location of the correct driver for the attached device.

26.   As for claims 18, Perlman teaches all the limitations of claim 2, further;

What Perlman is not specific is utilizing a standard format to define device driver packages. The examiner takes Official Notice that employing standard format in a software distribution and installation is well established and well known. Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to insure that format compatibility is not an issue an employing an standard to be able to distinguish the correct format for the devices used within the system.

Conclusion

27.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Abdi whose telephone number is (703) 305-3364. The examiner can normally be reached on 9:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (703) 305-9768.

28.   Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

(703) 305-7687 [Official communications; including After Final communications labeled "Box AF"]
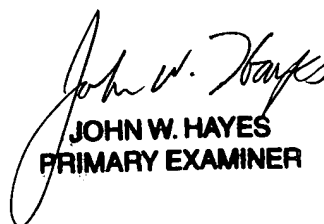
(703) 746-7749 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to:

Crystal Park 5, 2451 Crystal Drive

7th floor receptionist, Arlington, VA, 22202

Abdi/K
May 28, 2004

JOHN W. HAYES
PRIMARY EXAMINER